

REMARKS

Claims 1-16 are pending in this application. Applicants provisionally elect Species B, corresponding to Figs. 9-14, with traverse. Applicants respectfully assert that claims 1-16 are readable on Figs. 9-14, and that claims 1-7 and 11-16 are generic to all species. Thus, no claims are properly withdrawn from examination.

Further, claims 1-16 are directed to an operator assisting apparatus. Such apparatuses are applicable to various components without distinction of the claimed features to the elected apparatus. Applicants assert that Species B, shown in Figs. 9-14, cannot be distinguished from Species A, shown in Figs. 1-8, for Election Requirement purposes. Therefore, claims 1-16 apply to a generic invention, without proper subdivision into Species A and B.

Even if the related claims in Species A and B are determined to be distinct, under MPEP §808.02 the Examiner must show either (1) separate classification, (2) separate status in the art, or (3) a different field of search. Applicants submit that the subject matter overlap of all claims 1-16 within the art enables a search for one species to be co-extensive with the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

MPEP §803 states that “if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions” (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

In view of the foregoing, prompt and favorable examination on the merits is respectfully solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Gerhard W. Thielman  
Registration No. 43,186

JAO:GWT/gwt

Date: January 2, 2004

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE</b> <b>AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--